

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION),  
BY CREATING CHAPTER 18.11 (BARRIER FREE CONSTRUCTION), TO  
REQUIRE SPECIFIC DESIGN FEATURES TO CREATE BARRIER-FREE  
CONSTRUCTION IN NEW SINGLE FAMILY DWELLINGS, DUPLEXES,  
TRIPLEXES, AND TOWNHOMES CONSTRUCTED WITHIN APPROVED  
SUBDIVISIONS. THE PENALTY AS BEING PROVIDED IN CHAPTER 1.08.**

**WHEREAS**, persons with disabilities and their immediate families are often isolated in their homes because the homes of most of their acquaintances contain barriers insurmountable to persons with disabilities; and

**WHEREAS**, persons with disabilities and their immediate families often experience difficulty in finding suitable housing; and

**WHEREAS**, a home is the single largest financial investment for most families and the average cost of barrier-free design features included in new construction is much less than later modification for accessibility when such features are required; and

**WHEREAS**, barrier-free design provides housing for persons throughout their life and this sustainability in affordable housing ensures that, not only will the home continue to be affordable, but it will also continue to serve the physical needs of family members and visitors from childhood to senior years; and

**WHEREAS**, barrier-free features in construction can make new houses more visitable, and in many cases livable, for senior citizens and persons with disabilities; and

**WHEREAS**, the provisions of this ordinance are enacted to implement the City's policy that new single-family dwellings, duplexes, and triplexes constructed within subdivisions be constructed using design features that provide accessibility and usability for persons with disabilities, and to promulgate standards that may be less restrictive than ANSI A117.1 (Universal Design) while economically providing greater opportunity for accessibility.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF EL PASO:**

**1. That Title 18 (Building and Construction), Chapter 18.11 (Barrier Free Housing Construction) shall be and is hereby added to read as follows:**

**Section 18.11.010     Short Title**

This chapter may be cited as "El Paso Barrier Free Housing Construction".

### **Section 18.11.020     Applicability**

This ordinance applies to the new construction of single-family dwellings, duplexes, triplexes, and townhouses constructed after the effective date of this ordinance and that are part of an approved subdivision.

## **ARTICLE I. GENERAL PROVISIONS**

### **Section 18.11.030     Waiver of Exterior Accessibility Regulations**

- A. A person requesting a waiver under this section must file an application with the Director of Building Permits and Inspections, attaching any documents necessary to demonstrate the applicant's eligibility for the waiver.
- B. The Director of Building Permits and Inspections may waive the requirements of Section 18.11.060 (Building Entrances) by issuing an exterior disability accessible waiver if the applicant demonstrates that the topographical conditions of a site render compliance with this ordinance an undue hardship.
- C. When the Director of Building Permits and Inspections receives a waiver application, the Director shall post a notice stating that:
  - 1. The Director of Building Permit and Inspection has received the application; and
  - 2. That written comments may be filed with the Director of Building Permits and Inspections not later than the 10th day after the notice of application was posted; and
  - 3. That a decision on the application will be made and posted not later than the 15th day after the notice of application was posted.
- D. If the Director of Building Permits and Inspections determines that the waiver is appropriate, the Director shall issue a waiver to the applicant, in writing, not later than the 15th day after the notice of application is posted.

### **Section 18.11.040     Appeals**

- A. A waiver applicant under Section 18.11.030 may appeal a decision of the Director of Building Permits and Inspections to the Building Board of Appeals by filing a written notice to appeal with the secretary of that board not later than the 20th day after the decision was issued.
- B. The secretary of the Building Board of Appeals shall forward a copy of the notice of appeal to the Municipal Clerk and set a hearing of the appeal on the next available Building Board of Appeals meeting.

### **Section 18.11.050      Monitoring Required**

The Director of Building Permits and Inspections shall monitor the administration of this ordinance.

## **ARTICLE II. DESIGN AND CONSTRUCTION REQUIREMENTS**

### **Section 18.11.060      Building Entrances**

- A. A dwelling unit must provide at least one building entrance that complies with the City of El Paso Building Code standard for an accessible entrance on an accessible route served by a ramp or no-step entrance. A building entrance door must have a minimum net clear opening of 32 inches.
- B. The entrance may be at the front, side or back of a dwelling as long as it is served by an accessible route.

### **Section 18.11.070      Interior Doors**

Except for a door that provides access to closet of fewer than 15 square feet in area, interior doors located on the first floor of a dwelling unit must have a minimum clear opening of at least 32 inches. A 36 inch door or standard 6'0" sliding patio door assembly complies with this requirement. Lever door handle hardware is required on the affected doors.

### **Section 18.11.080      Accessible Routes Within The Dwelling Unit**

A dwelling unit must provide an accessible route through the hallways and passageways of the first floor of the dwelling unit. The route must provide a minimum width of 36 inches and be level with ramped or beveled changes at door thresholds.

### **Section 18.11.090      Wall Reinforcement In Bathrooms**

First floor bathroom walls of a dwelling unit must be designed and constructed with reinforcement using the following standards:

- A. Lateral two by six (2 x 6) inch or larger nominal wood blocking must be installed flush with stud edges of bathroom walls.
- B. The centerline of the blocking must be 34 inches from and parallel to the floor.

### **Section 18.11.100      Light Switches, Electrical Outlets, Thermostats, and Other Environmental Controls**

- A. A light switch, thermostat, or electrical panel located on the first floor must be no higher than 48 inches above the floor. Receptacles must be at least 18 inches above the floor.
- B. An electrical panel or disconnect located outside the dwelling unit must be no higher than 48 inches above the ground, at least 18 inches above the ground, and adjacent to an accessible route.

**2. This ordinance shall be applicable to all permit applications received on or after the effective date.**

**3. Except as amended herein, Title 18 (Building and Construction) of the El Paso Municipal Code shall remain in full force and effect.**

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.**

**THE CITY OF EL PASO**

\_\_\_\_\_  
**Joe Wardy**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Richarda D. Momsen**  
**City Clerk**

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
**Teresa Garcia**  
**Assistant City Attorney**

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**R. Alan Shubert, Director**  
**Building Permits & Inspections**